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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

RAYMOND GEORGE GLASS,

Defendant and Appellant.

B300250

(Los Angeles County  
Super. Ct. No. BH012445)

THE COURT:

Defendant and appellant Raymond George Glass (appellant) appeals from an order denying his petition for writ of mandate directed to the Department of Corrections and Rehabilitation (CDCR).<sup>1</sup> Appellant's appointed counsel filed a

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<sup>1</sup> The petition was originally filed in the San Francisco Superior Court, and transferred to Los Angeles Superior Court where the petition, exhibits, correspondence and court orders were received and filed on May 15, 2019. Included was an application for preliminary injunction and temporary restraining order. The trial court denied the application as civil matters are

brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On March 16, 2020, we notified appellant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and appellant has submitted no brief or letter. We have reviewed the entire record, including the materials contained in appellant's motion to augment the record. Finding no arguable issues, we affirm the order.

The petition alleges that appellant is an inmate at the state prison in Lancaster, and suffers from a 4.7-centimeter ascending aortic aneurism, which the medical personnel refuse to address. He alleges that he filed an emergency appeal (Log No. LAC-C- 8-02151) on March 26, 2018, requesting a transfer to a medical facility, but received no response. The appeal form shows that there were requests on March 15 and April 6 to be sent to a medical facility for surgery for his medical condition.<sup>2</sup> The appeal form shows that on April 24, 2018, the March 26 appeal was screened at the first level of review by CDCR Appeals Coordinator K. Estrada, and the action taken was explained to appellant in an accompanying letter. The letter informed appellant that his appeal was forwarded to the Health Care

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to be filed in the civil division of the court. That order was not included in appellant's notice of appeal.

<sup>2</sup> The response to the requests, which was reviewed by a supervisor, deferred the transfer request to August 2018, when appellant was to have an annual review. The record does not include the result of that review.

Appeals Department. In the space provided on the letter, appellant notified the appeals coordinator, that he did not want his request to be processed as a health care appeal, and instead asked that it be retained and processed as a custody matter.

The petition alleges that on August 29, 2018, appellant submitted an inmate request to the appeal coordinator requesting that a classification staff representative be compelled to answer his original appeal. The request was rejected because it was a copy of the original appeal, untimely, and not within the jurisdiction of the appeals coordinator in that the matter had been transferred to the medical department.

In its memorandum of decision, the trial court noted that in September and October 2018, appellant filed a health care grievance, which was rejected as not containing any health care issues. Additional appeals, which are duplicated in exhibit A, were also rejected and are not the subject of the petition for writ of mandate, as they are not mentioned in the petition.<sup>3</sup> The petition prays for a writ of mandate requiring the CDCR to answer the original appeal, Log No. LAC-C-18-02151 and to immediately transfer appellant to a CDCR medical facility.

The record does not reflect that appellant sought a second or third level of review of any of his appeals, and no such request

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<sup>3</sup> Exhibit A to the petition contains medical reports prepared in February and June 2017, including a physician's nonurgent request for a cardiology consult due to a thoracic aorta aneurism. In an included declaration, appellant stated that he was taken to the hospital on July 9, 2018, with severe chest pains, for which he was given a CT scan. However, the only CT scan report in exhibit A is dated June 2017.

appears among the exhibits.<sup>4</sup> On June 27, 2019, the superior court issued a memorandum decision denying the petition on the ground that appellant failed to demonstrate that he exhausted his administrative remedies. The court also found that defendant had not demonstrated that the CDCR abused its discretion in housing defendant at Lancaster.<sup>5</sup> Appellant filed a timely notice of appeal from that order.

We have examined the entire record, and conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review, received adequate and effective appellate review of the judgment entered in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The order is affirmed.

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LUI, P.J.

ASHMANN-GERST, J.

CHAVEZ, J.

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<sup>4</sup> Completion of a third level of review is required before administrative remedies are deemed exhausted for purposes of judicial review. (See Cal. Code Regs., tit. 15, § 3084.1, subd. (b) [repealed eff. June 1, 2020 (Register 2020, No. 13, March 25, 2020)]; *Wright v. State* (2004) 122 Cal.App.4th 659, 667.)

<sup>5</sup> See *In re Rhodes* (1998) 61 Cal.App.4th 101, 108.